

140<sup>th</sup> anniversary  
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March 13, 2012

Filed Electronically

Rachel Campbell  
Director, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

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Office of Proceedings

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Public Record

RE: Docket No. AB 167 (Sub-No. 1191X)  
Consolidated Rail Corporation -- Abandonment  
Exemption -- in Philadelphia, Pennsylvania

Docket No. AB 55 (Sub-No. 710X)  
CSX Transportation, Inc. -- Discontinuance  
Exemption -- in Philadelphia, Pennsylvania

Docket No. AB 290 (Sub-No. 552X)  
Norfolk Southern Railway Company -- Discontinuance  
Exemption -- in Philadelphia, Pennsylvania

Dear Ms. Campbell:

On behalf of the Applicants in the above-referenced proceeding, I am writing in regard to the various filings made by Eric S. Strohmeyer ("Strohmeyer") and CNJ Rail Corporation ("CNJ"), as well as the filing made by James Riffin ("Riffin") yesterday and today.

I first wish to point out that in his "Errata" letter filed today with his amended Offer of Financial Assistance ("OFA"), Mr. Strohmeyer stated that he had "inadvertently submitted" an "incomplete draft version" of the OFA filed with the Board on Friday, March 9, 2012. This was the extended deadline for filing the OFA on behalf of him and CNJ. If this was truly an inadvertent error, it should not have taken Mr. Strohmeyer four days to file his amended OFA with the Board, but instead should have been accomplished by the morning of Monday, March 12, at the latest. Applicants still have not received the mailed version of the OFA that Strohmeyer told the undersigned was served on March 9.

I further note that the amended OFA does not include the Verified Statement of E. Fernando Quiles and the Verified Statement of Vladimir Ushakov, referenced in the amended OFA. See amended OFA ¶ 21 n.3 and ¶ 52. According to the Errata letter, two more verified statements are expected and Mr. Strohmeyer apparently still has not filed the necessary financial information.

In addition, yesterday, Riffin, for the first time, stated in his Supplement to the OFA that the OFA filed on March 9, 2012, was electronically jointly filed by Strohmeyer, CNJ and Riffin. However, the OFA filed on March 9 did not include Riffin, nor did the prior Notice of Intent to File OFA nor any of the other filings or communications by Strohmeyer and CNJ include him. Instead, Riffin's name was

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included for the first time in the amended OFA filed today, which included him as an "Offeror" in paragraph 5 of the amended OFA and did not include him in the signature line or verification.

Applicants submit that this blatant disregard for the Board's procedures and deadlines and failure to provide necessary information should enter into the Director's consideration in making her initial determination whether Strohmeyer and CNJ could be considered "financially responsible persons" that would warrant postponement of the March 19, 2012, effective date of the exemption authority of the portion of this line from MP 0.00 to MP 2.80.

Sincerely yours,



Benjamin C. Dunlap, Jr.

BCDjr/jc

cc: Eric S. Strohmeyer (via electronic mail, confirmed via U.S. Mail)  
James Riffin (via electronic mail, confirmed via U.S. Mail)  
John Enright, Esquire (via electronic mail)